

DEPARTMENT OF THE INTERIOR**Fish and Wildlife Service****50 CFR Part 17****Endangered and Threatened Wildlife and Plants; Notice of 90-Day Finding on Petition To List the Northern Goshawk as Threatened or Endangered in the Western United States**

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of petition finding.

SUMMARY: The U.S. Fish and Wildlife Service (Service) announces a 90-day finding for a petition to add the northern goshawk (*Accipiter gentilis*) in the United States west of the 100th meridian of the List of Endangered and Threatened Wildlife. The Service finds the petition did not present substantial information indicating the requested action may be warranted. The northern goshawk (*Accipiter gentilis*) in the United States west of the hundredth meridian does not meet the definition of species under Section 3(15) of the Endangered Species Act.

DATES: The finding announced in this notice was made on June 18, 1992. Comments and materials related to this petition finding may be submitted to the Field Supervisor at the address listed below until further notice.

ADDRESSES: Information, comments, or questions concerning the northern goshawk petition may be submitted to the Field Supervisor, Phoenix Field Office, U.S. Fish and Wildlife Service, 3616 West Thomas Road, suite 6, Phoenix, Arizona 85019. The petition, finding, supporting data, and comments will be available for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Sam Spiller, Field Supervisor at the above address (telephone 602/379-4720 or FTS 261-4720).

SUPPLEMENTARY INFORMATION:**Background**

Section 4(b)(3)(A) of the Endangered Species Act of 1973 (Act) (16 U.S.C. 1531-1544) requires the Service make a finding on whether a petition to list, delist, or reclassify a species presents substantial scientific or commercial information indicating the petitioned action may be warranted. To the maximum extent practicable, this finding is to be made within 90 days of receipt of the petition, and the finding is to be promptly published in the *Federal Register*. If the finding is positive, the Service is also required to promptly commence a status review of the species.

On September 26, 1991, a coalition of conservation organizations (Babbitt, *et al.* 1991) submitted a letter to the Service, requesting to amend a petition (received July 19, 1991) under consideration by the Service to list the northern goshawk (*Accipiter gentilis*) as an endangered species in Utah, Colorado, New Mexico, and Arizona (Silver *et al.* 1991). The coalition requested expanding the geographic region under consideration to include the "forested west." The petitioners subsequently defined "forested west" to mean the forested United States west of the 100th meridian (hereafter referred to as petitioned region). Because the letter of September 26, 1991, requested consideration of a substantially different listing action than the petition of July 19, 1991, the Service informed the petitioners that their September letter would be considered a separate petition.

This finding is based on various documents, including published and unpublished studies, agency files, field survey records, and consultation with Service, Bureau of Land Management (BLM), and U.S. Forest Service (FS) personnel. All documents on which this finding is based are on file in the Fish and Wildlife Service Field Office in Phoenix, Arizona.

A species that is in danger of extinction throughout all or a significant portion of its range may be declared an endangered species under the Act. A species that is likely to become endangered (as defined above) within the foreseeable future throughout all or a significant portion of its range may be declared a threatened species under the Act. The term "species" is defined by the Act to include "subspecies . . . and any distinct population segment of any species which interbreeds when mature" (16 U.S.C. 1532(16)). The goshawk has a wide distribution. The Service's primary evaluation was to determine whether the petition presented substantial information that indicated northern

goshawks in the petitioned region meet the definition of species under section 3(15) of the Act.

The northern goshawk occurs in forested regions throughout the higher latitudes of the northern hemisphere. Approximately 12 subspecies have been recognized, with seven to nine occurring across northern Europe and Asia (Palmer 1988, Gladkov 1941). Three subspecies have been recognized in North America: *A. g. atricapillus* throughout northern North America, and south through the western states to southern Arizona and New Mexico; *A. g. laingi* in coastal British Columbia and southeastern Alaska; and, *A. g. apache* in the southern portions of Arizona and New Mexico, and south into the Sierra Madre of Mexico (Johnsgard 1990, Webster 1988, Palmer 1988, Wattel 1973, Monson and Phillips 1981, Phillips *et al.* 1964, American Ornithologists' Union [AOU] 1957, van Rossem 1938). The petitioned action therefore involved the three subspecies of goshawk found in North America.

Eastern and western subspecies of the "American Goshawk" were once recognized (Baird *et al.* 1874 as cited in Taverner 1940). This taxonomy was recognized by Wolfe (1932), Dixon and Dixon (1938), and Abbott (1941). However, Taverner (1940) discovered that the plumage variations on which these distributions were made were related to age, not geographic variation.

The Service evaluated the petition's contention that goshawks in the petitioned region may be a population segment distinct from the adjacent, remaining range of the goshawk in North America. Currently known distributions indicate that within the contiguous United States, goshawk habitat and breeding goshawks are separable into two regions: (1) The forested east, including the Appalachian mountains and northern portions of the Great Lakes states, and (2) montane forests west of the 100th meridian (Johnsgard 1990, Jones 1981). The intervening Great Plains lack goshawk nesting habitat. However, in Alaska and in Canada north of the Great Plains, goshawk habitat is continuous across the continent from east to west. Potential goshawk habitat also exists in Mexico.

The degree of genetic interchange between goshawks in the eastern and western United States, and between the western United States, Canada, and Mexico is unknown. Goshawks display a high degree of site fidelity, and are generally nonmigratory or weakly migratory (Johnsgard 1990, Anonymous 1990, Kennedy 1989, Palmer 1988, Reynolds 1988, Widen 1985, McGowan

1975, Brown and Amadon 1968). Other authors (e.g., Reynolds 1988) believe the goshawk is more migratory in the northern portions of its range.

Seasonal movements have been documented, but vary considerably over years, in number of individuals, and in distance of movement (Hofslund 1973, Mueller and Berger 1968, Mueller and Berger 1967, Phillips *et al.* 1964). Where seasonal movements occur, they appear to be along north-south axes (Hoffman 1991, Titus and Fuller 1990, Mueller and Berger 1967). Seasonal movements in elevation have also been documented (Phillips *et al.* 1964, Wattel pers. obs. cited in Reynolds 1988). Fledgling goshawks tend to disperse less than 25 miles from their natal sites (Anonymous 1990, Widen 1985, Marquiss and Newton 1982, McGowan 1975). Adult goshawks tend to remain on their breeding territories year round or move relatively short (30 miles) distances (Anonymous 1990, Kennedy 1989, Reynolds 1988, Widen 1985, McGowan 1975). Several authors believe seasonal movements are irregular interruptions caused by intraspecific competition in response to fluctuations in prey availability during winter on the birds' breeding grounds (McGowan 1975, Hofslund 1973, Mueller and Berger 1968).

The coastal subspecies (*A. g. laingi*) persists adjacent to the range of the more widespread *A. g. atricapillus*. Despite limited apparent intermixing where their ranges overlap (Webster 1988), the Queen Charlotte goshawk remains morphologically distinct and widely recognized as a valid subspecies (Johnsgard 1990, Webster 1988, Jones 1981, Wattel 1973, AOU 1957, Taverner 1940). The range of the Apache goshawk (*A. g. apache*) also contacts that of the widely distributed *A. g. atricapillus* in southern Arizona and southern New Mexico. The Apache goshawk is recognized by Johnsgard (1990), Monson and Phillips (1981), Wattel (1973), Phillips *et al.* (1964), van Rossem (1938), and Hubbard (1978, 1972). The Apache and Queen Charlotte goshawks have persisted as morphologically distinct forms. Studies describing intergrades between *A. g. apache* and *A. g. atricapillus*, or between *A. g. atricapillus* and *A. g. laingi* are very limited (Webster 1988, Hubbard 1972).

Within the contiguous United States, goshawk habitat in the eastern and western states is separated by the Great Plains. However, goshawk distribution is continuous from Alaska into Mexico. In Canada, goshawk distribution is transcontinental from east to west, and is continuous with goshawk habitat in the eastern and western United States.

This evidence suggests that immigration and emigration of large numbers of goshawks over large geographic areas is uncommon, and thus the rate of gene flow across large geographic areas may be low in short time intervals. Genetic variation among subunits of an existing population is determined by the effects of selection, gene flow, drift, mutation, population size, and time. Genetic drift is the principal factor controlling loss of genetic variation in small populations (Lacy 1987). As already noted, gene flow among goshawks across large geographic areas may be low, but relatively little gene flow may be required to prevent differentiation. As a rule of thumb, genetic drift (differentiation) is prevented in small populations (< 100 individuals) if the exchange of animals is about one individual per generation or every other generation (Dr. Robert Lacy, Population Geneticist, Chicago Zoological Society, pers. comm., 1992, Lacy 1987, Ryman and Utter 1987, Crow 1988, Allendorf 1983). Large populations lose genetic variation by drift much more slowly than small populations. Our present knowledge of goshawk movements, and potential gene flow, suggest that although movement of goshawks may be limited, there is opportunity for genetic interchange. Goshawk habitat and populations are virtually continuous from the petitioned region into Canada and Mexico, and across Canada to the goshawk population in the eastern United States. Genetic interchange may be sufficient to prevent genetic

differentiation between the petitioned region and bordering goshawk habitats. The petitioners provided no genetic evidence that differentiation is occurring or has occurred.

The Service finds that the petitioners have failed to satisfy the requirement to present substantial scientific or commercial information indicating the petitioned action may be warranted. Based on the current knowledge, goshawks in the petitioned region do not meet the definition of a species, subspecies, or distinct population segment under section 3(15) of the Act.

The northern goshawk (*A. gentilis*) is currently a Category 2 candidate in the Endangered and Threatened Wildlife and Plants; Animal Notice of Review, throughout its range in North America (56 FR 58804). Category 2 taxa are those for which information now in the possession of the Service indicates that proposing to list as endangered or threatened is possibly appropriate, but for which conclusive data on biological vulnerability and threat are not currently available to support a proposed rule. Initiation of a status review for the goshawk was announced in the *Federal Register*, January 7, 1992 (57 FR 544). That status review specifically solicits information regarding the potential for distinct population segments within the range of the northern goshawk in North America.

In summary, the Service finds that the data contained in the petition, referenced in the petition, and otherwise available to the Service do not present substantial information indicating that

northern goshawks in the petitioned region meet the definition of species under Section 3(15) of the Act. The Service therefore finds that the petition failed to present substantial scientific or commercial information indicating the petitioned action may be warranted.

References Cited

A complete list of all references cited herein is available on request from the Field Supervisor, Phoenix Field Office (See **ADDRESSES** section).

Authors

The primary authors of this notice are Dr. Renne Lohoefer, Endangered Species Coordinator, Phoenix Field Office, (See **ADDRESSES**) (602/379-4720 or FTS 261-4720) and Dr. James Lewis, Endangered Species Biologist, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico, 87103, (505/766-2914 or FTS 474-2914).

Authority

The authority citation for this action is 16 U.S.C. 1531-1544.

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, and Transportation.

Dated: June 16, 1992.

Richard N. Smith,

Acting Director, Fish and Wildlife Service.

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